IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10280 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GANGADHARA SAHKARI KELAVANI MANDAL

Versus

DISTRICT EDUCATION OFFICER

Appearance:

1. Special Civil Application No. 10280 of 2004

MR VH DESAI for Petitioner No. 1

MS ARCHANA RAVAL, AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 20/10/2004

ORAL JUDGEMENT

Rule. Ms.Archana Raval, Ld. AGP waives service of rule on behalf of the respondents.

2. In this petition under Article 226 of the Constitution of India, the petitioner institution has made a grievance that the respondent authority is neither giving NOC for the purpose of filling up the post of Assistant Teachers in the subject of Sanskrit and Mathematics nor allotting any surplus teachers in the aforesaid subjects.

3. In response to the notice issued by this Court, Ms.Archana Raval, Ld. AGP appears on behalf of the respondents and has sated that if the petitioner institution is ready and willing to absorb surplus teachers then in that case, there is no question of granting any NOC for the purpose of filling up the post of Assistant Teachers. In the facts and circumstances of the case and in view of the fact that the petitioner institution has already shown their willingness to absorb surplus teachers in the aforesaid subjects, the respondents are directed to allot surplus teachers in the subjects of Sanskrit and Mathematics to the petitioner institution as by not granting of NOC and/or not allotting the surplus teachers, ultimately, the students are the sufferers as they are without any teacher. Such an exercise is required to be carried out and done by the respondents within a period of four weeks from today and the respondents are directed to see that surplus teachers in the subject of Sanskrit and Mathematics are allotted in the petitioner institution and they resume the duties. If for some reason, it is not possible for the respondents to allot surplus teachers in the aforesaid subjects then, in that case only, the respondents are directed to given No Objection Certificate to fill up the post of Assistant Teachers in the aforesaid subjects. The petition is allowed. Rule is made absolute with no order as to costs. Direct Service is permitted.

(M.R.Shah, J)
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